

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MIKAL JOHNSON,)	CASE NO. 5:16CV2762
)	
Petitioner,)	JUDGE CHRISTOPHER A. BOYKO
)	
vs.)	
)	
CHARMAINE BRACY,)	<u>MEMORANDUM OF OPINION</u>
)	<u>AND ORDER</u>
Respondent.)	

CHRISTOPHER A. BOYKO, J:

This matter is before the Court on Magistrate Judge Ruiz's Report and Recommendation (ECF DKT #15) to DISMISS Petitioner Mikal Johnson's Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (ECF DKT #1) as procedurally defaulted. Objections to the Report and Recommendation were due by October 31, 2018. Petitioner has not filed an objection to the Report and Recommendation.

Federal Rule of Civil Procedure 72(b) provides that objections to a report and recommendation must be filed within fourteen days after service. FED. R. CIV. P. 72(b)(2). Petitioner has failed to timely file any such objections. Therefore, the Court must assume that Petitioner is satisfied with the Magistrate Judge's recommendation. Any further review by this Court would be duplicative and an inefficient use of the Court's limited resources. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505, 506

(6th Cir. 1991); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

Accordingly, the Court adopts the Report and Recommendation of the Magistrate Judge and **DISMISSES** Petitioner's Petition as procedurally defaulted.

The Court finds an appeal from this decision could not be taken in good faith. 28 U.S.C. § 1915(a)(3). Since Petitioner has not made a substantial showing of a denial of a constitutional right directly related to his conviction or custody, the Court declines to issue a certificate of appealability. 28 U.S.C. § 2253(c)(2); FED. R. APP. P. 22(b); Rule 11 of Rules Governing § 2254 Cases.

IT IS SO ORDERED.

s/ Christopher A. Boyko
CHRISTOPHER A. BOYKO
United States District Judge

Dated: December 3, 2018